

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 7932 OF 2015**

Motiram Nathuram Telavane

..Petitioner

Vs.

**Prakash Dattatray Pradhan (deceased)
through Lrs & ors.**

..Respondents

Mr. R. S. Datar i/b Mr. D. S. Pagare for the Petitioner

CORAM : R. M. SAVANT, J.

DATE : 30th NOVEMBER, 2015

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 110302915 passed by the Learned Civil Judge Senior Division, Murbad, by which order, the application Exhibit 5 for stay of the decree passed in Regular Civil Suit No.22 of 1995 came to be rejected. The Petitioner is the original Plaintiff who has filed the instant Suit being Regular Civil Suit No.68 of 2014 questioning the compromise decree which was passed in Regular Civil Suit No.22 of 1995 wherein the Plaintiff in the instant Suit was the sole Defendant. In the said Suit the said compromise was recorded on 22-2-2000 and the instant Suit has been filed in the year 2014 i.e. after a period of about 14 years thereof. The said compromise has been challenged inter alia on the ground mentioned in the said Suit and more especially on the ground that the Plaintiff in the instant Suit has signed the said compromise on the basis of mistaken facts. As indicated above in the instant Suit the Plaintiff filed the

application Exhibit 5 for stay of the execution of the said decree passed in Regular Civil Suit No.22 of 1995. The Trial Court has rejected the said application on the ground that the instant Suit has been filed after a period of 14 years and therefore the very maintainability of the Suit is in question on the ground of limitation.

2 In my view, having regard to the reasons mentioned by the Trial Court in the impugned order as also having regard to the fact that the instant Suit has been filed after 14 years after the decree came to be passed in the earlier Suit, the order passed by the Trial Court does not merit any interference in the Writ Jurisdiction of this Court, the Writ Petition is accordingly dismissed.

[R.M.SAVANT, J]